

Remarks of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Consumer Federation of America Awards Dinner

June 18, 2014

It is my great honor to be here to present the Philip Hart Public Service Award to David Vladeck.

It is fitting that David is being honored on the same evening as Senator Elizabeth Warren, who like David is a true champion of consumers. Throughout their careers, they both have used the law to advocate for consumers: Senator Warren from her position as a law professor at Harvard and now a U.S. Senator and David Vladeck from his position as a law professor at Georgetown and former public interest litigator and FTC official.

And like Senator Warren, David has had a brilliant legal career.

For more than 25 years, David handled and supervised complex public advocacy at the Public Citizen Litigation Group. He compiled a sterling record representing the public interest in cases before the U.S. Supreme Court, federal courts of appeal, and state supreme courts.

During the first term of President Obama, David served as Director of the FTC's Bureau of Consumer Protection, where he revitalized the agency's consumer protection mission.

Now he is back at Georgetown Law School, where he is one of the nation's leading experts in administrative law, consumer protection, and public litigation.

David's professional accomplishments are long and legendary, but rather than recount them, I thought I would tell you a personal anecdote.

I am retiring this year after 40 years in Congress, so it has been a year of reflection for me. And as I think about what I have been able to accomplish, I am

filled with gratitude for those who worked selflessly and without recognition behind the scenes to advance the public interest.

And David tops this list.

One of the things I am most proud about is my efforts to stop the deadly toll of tobacco products. Everywhere I go, people remember the famous hearing in 1994 when the tobacco executives swore nicotine was not addictive.

What people don't know is that David played a critical role in turning public sentiment against the tobacco industry.

The tobacco executives testified on April 14, 1994, but the turning point actually happened two weeks later on April 28, 1994. After the CEO hearing, the tobacco industry unleashed its public relations machine. The papers were filled with commentary that sought to portray the tobacco executives as victims hauled before an overbearing Congress. And when op-eds couldn't be placed, the companies ran full-page advertisements. Incredible as it may seem in retrospect, public opinion was divided in the days after the hearing.

What turned the tide irreversibly against the tobacco companies was the hearing we held two weeks later at which two former Philip Morris scientists, Victor DeNoble and Paul Mele, testified about the experiments they conducted with rats to prove the addictiveness of nicotine.

This was the first time the public had ever heard from tobacco industry insiders. And it could not have happened without David Vladeck, who volunteered to be Dr. Mele's lawyer. The tobacco industry knew the value of secrecy and had required the scientists to sign strict confidentiality agreements when they left Philip Morris.

Unless we could find a way to break these agreements or pressure Philip Morris to waive them, they could not testify.

They needed a superb lawyer, and we helped them find one: David Vladeck.

When the two scientists testified, the nation was riveted. They described the secret animal research they conducted. They showed photos of the rats they trained to self-medicate with nicotine. And they explained how Philip Morris ordered them to close their lab and destroy their animals when they proposed publishing some of their work.

That hearing unleashed a torrent of new disclosures as other whistleblowers stepped forward and secret industry documents poured forth.

David represented Dr. Mele pro bono, which means without pay. As far as I know, David has never spoken publicly about the critical role he played in turning public opinion against the tobacco industry.

And that is so exactly like David. He played a key role at a pivotal moment in the battle against the tobacco companies and never took any credit for it.

Time and again, he has worked behind the scenes with no public fanfare or recognition to shape our country for the better.

He did it when he represented me in litigation to force the Bush EPA to implement the 1990 Clean Air Act Amendments ... he did it when he agreed to represent Michael Mann, a climate scientist, who was being hounded by the House Energy and Commerce Committee ... he did it when he represented me and six other members of the Oversight Committee in litigation to get secret census documents from the Bush Administration.

Whenever I or my staff need legal advice, the first person we think to call is always David.

And that is just what David has done for me. If you ask other leaders in Congress or the Administration, they will tell you the same thing. The best public interest lawyer in the nation ... the person you most want in your corner when you face legal challenges ... and one of the most creative thinkers in Washington ... is David Vladeck.

And that is why it is so fitting that the Consumer Federation of America is recognizing David.

David is a tireless crusader for the public interest. He was a peerless advocate before the Supreme Court.

He litigated in the federal courts for over a decade to protect workers and miners from exposure to toxic chemicals. He led the effort at the FTC to stop consumer fraud, to fight abusive debt collection practices, and to prevent advertisers from making unsubstantiated health and environmental claims.

Like the great man for whom this award is named, who was famously known as the “Conscience of the Senate,” David is guided by a strong belief in truth, justice, and the everyday well-being of people, especially those who are the most vulnerable in our society.

That is why, tonight, we honor David Vladeck by awarding him the Philip Hart Public Service Award.

Thank you.